

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARRY L. BIERLEY)
Petitioner,)
v.) C.A. NO. 04-363 ERIE
WARDEN JAMES VESHECCO,)
Respondent.)

**COMMONWEALTH'S MOTION FOR EXTENSION OF TIME
TO FILE ANSWER TO WRIT OF HABEAS CORPUS**

AND NOW, comes the Commonwealth of Pennsylvania, by and through its representative, Roger M. Bauer, Assistant District Attorney, Erie County, Pennsylvania, and files the within Motion for Extension of Time to File Answer to Writ of Habeas Corpus and in support thereof avers as follows:

1. The Commonwealth received the Rule and Order in this matter on November 14, 2005.
2. The twenty (20) day time period to respond will run out on December 5, 2005.
3. The Commonwealth, despite a timely request, still has not received the full record from the Clerk of Courts Office
4. A review of the full record is necessary for the Commonwealth to adequately respond to the issues raised in the defendant's petition.
5. The December 2005 Criminal Trial Term is set to begin on December 5, 2005 and run until December 18, 2005.

Therefore, for the reasons set forth herein, the Commonwealth respectfully requests this Honorable Court enter an order granting an extension of 45 days.

Respectfully submitted,

S/Roger M. Bauer

Roger M. Bauer, Esq.
Assistant District Attorney

Dated: December 1, 2005